

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. . No. _____/2015

IN

W.P.(C) NO.494/2012

IN THE MATTER OF:-

JUSTICE K.S PUTTASWAMY (RETD.) & ANR

.....PETITIONERS

V/S.

UNION OF INDIA & ORS

.....RESPONDENTS

AND IN THE MATTER OF:-

STATE OF HARYANA

WITH

I.A. No. _____/2015

AN APPLICATION FOR CLARIFICATION/MODIFICATION OF INTERIM

ORDER 11.08.2015

PEPER BOOK

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ADVOCATE FOR APPLICANT/RESPONDENTS: SA NJAY KUMAR VISEN

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IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

I.A. No. _____ of 2015

IN

WRIT PETITION (CIVIL) No. 494 of 2012

IN THE MATTER OF:

JUSTICE K.S PUTTASWAMY (RETD.). & ANR ... Petitioners

VERSUS

UNION OF INDIA & ORS. ... Respondents

AND IN THE MATTER OF:

The State of Haryana
through Secretary IT
Department of Electronics & Information Technology
2nd Floor, Sector – 17 B,
Chandigarh - 160017 ... Applicant

APPLICATION FOR CLARIFICATION/MODIFICATION
OF INTERIM ORDER DATED 11.08.2015

To

The Hon'ble Chief Justice of India
and his companion Justices of the
Supreme Court of India

The humble application of the Applicant above
named:

MOST RESPECTFULLY SHOWETH:-

1. That the Applicant is impleaded as Respondent in the present Writ Petition" vide Order dated 26-11-2013 in the abovementioned Writ Petition (Civil) 494 of 2012.
2. That Writ Petition (Civil) No. 494 of 2012 (Justice K Puttaswamy (Retd) v Union of India) and the connected cases have been filed challenging the constitutionality and legality of the "Aadhaar Card Scheme" mainly on the ground that the collection of biometric data of citizens is violative of the "right to privacy" falling under Article 21 of the Constitution of India.
3. That this Hon'ble Court on 11.08.2015 keeping in view that the cases on hand raises far reaching questions of importance involving interpretation of the Constitution referred the matter to be heard by a Bench of appropriate strength.
4. That this Hon'ble Court on 11.08.2015, also passed an interim order, whereby this Hon'ble Court passed the following directions:

"Having considered the matter, we are of the view that the balance of interest would be best served, till the

matter is finally decided by a larger Bench if the Union of India or the UIDAI proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be a condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of food grains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."

[Copy of the interim order dated 11.08.2015 passed by this Hon'ble Court in Writ Petition (C) No.494/2012, is **Annexure-A/1**]

5. The aggrieved by the directions no. 3 & 4, the Applicant is seeking a modification/clarification of interim order dated 11.08.2015 ("impugned order") to the extent that the Aadhaar Card Scheme to be extended not only for the PDS Scheme, Kerosene and the LPG Distribution Scheme, but also for other social benefit schemes or services of the Government of India as well as Government of Haryana and the information under Aadhaar Scheme be used for facilitating the delivery of the various socio-economic welfare Schemes of the Government of India and State Government alike; which shall be purely based on the "Resident Consent"; to enable those who are enrolling/enrolled on a voluntary basis to avail the services and benefits linked with Aadhaar, or continue using the same, on the following grounds:

GROUND

- A. Because the operation of the impugned order has resulted in considerable hardship being faced by the residents of the State in accessing socio-economic services provided under various welfare schemes

launched by Government of India and Government of Haryana which serve several vital purposes viz., financial inclusion, economic development and access to efficient governance.

- B. Because the impugned order has brought to stop the process of streamlining several government databases using Aadhaar as a common thread which has been undertaken to reduce corruption, cut out middlemen, removing duplicates & ghosts by de-duplication intra and inter schemes/databases thereby ensuring benefits of schemes to the intended beneficiaries in a time-bound manner.
- C. Because the Aadhaar card/number is the most widely held form of identity document with the widest coverage amongst the residents/citizens. This is evident from the following table:

Identity Document	Coverage
EPIC Card	1.66 Crore (Approx.) ¹
Ration Card	1.32 Crore (Approx.) ²
Aadhaar	2.42 Crore (95.8%) of total population ³

¹ Source: Election Commission of India website (state wise electoral rolls).

² Source: Department of Food and Supply, Government of Haryana.

³ Source: Available at UIDAI Public portal (portal.uidai.gov.in)

- D. Because the Biometric technology is a superior tool over the paper based manual identification/authentication mechanisms. Unique Identification Authority of India (UIDAI) formed by an executive order of the Government of India dated 28th January 2009, as an attached office of the erstwhile Planning Commission (Now NITI Aayog) with a mandate to generate unique identification numbers called Aadhaar numbers after de-duplication and to provide on-line authentication that could form basis for efficient delivery of various social and welfare services of Govt of India as well as various State Governments offered to provide services of de-duplication and on-line authentication that could form the basis for efficient delivery of various social and welfare services of the Government of Haryana. Hence Government of Haryana decided to adopt Unique Identification Number / Aadhaar issued by UIDAI to the residents, integrate the same with various welfare schemes and to have uniform standards and process for verification and identification of beneficiaries.

E. Because Government of Haryana vide its Notification No. 62/06/2012-6GSI, dated 1st March 2012 decided to accept the Aadhaar as a valid document for Proof of Identity (PoI) and Proof of Address (PoA) for various schemes of the State. It may be noted from a perusal of the said Notification that Aadhaar is one of the several documents accepted as Proof of Identity (PoI) and Proof of Address (PoA) and its not the only (mandatory) document.

[Copy of the Notification No.62/06/2012-6GSI, dated 01.03.2012 is **Annexure A/2**]

F. Because State of Haryana is implementing a numbers of Social Benefit Schemes, some of which allow higher benefits than those admissible under the Central Government schemes. The database of entitled beneficiaries under each of these schemes is being maintained and updated separately by the respective departments. Since these databases do not have interface with each other, the possibility of duplicate beneficiaries or pilferages in the delivery of benefits to the intended beneficiaries cannot be ruled out.

G. Because the process of enrollment under the UID project ensures de-duplication of the actual beneficiaries and establishes the individual identity of a beneficiary. As such, it is important to incrementally leverage Aadhaar in these benefit oriented schemes so as to address the pilferage related issues and to ensure that the benefits actually reach the entitled and intended beneficiaries.

[List of some of the Social Welfare schemes is enclosed as **Annexure A/3**]

H. Because since direction no.3 of the impugned order prohibits the use of Aadhaar for any purpose apart from distribution of food-grains and kerosene in the PDS Scheme as well as LPG distribution, lakhs of residents of the State are denied the use of a basic form of identity for all other purposes, even if they choose to do so voluntarily. This causes serious hardship to such residents, for whom it is the only identity proof which they possess.

- I. Because the State of Haryana is implementing various Social Welfare Schemes for its residents including Schemes sponsored by the Central Government. There are several schemes of the Government of India where the Aadhaar number is used purely on a voluntary basis by the State of Haryana; in order to access basic services and benefits that would either have been unavailable or difficult to access otherwise.

a. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS):

The MGNREGS pursuant to the MGNREG Act, 2005 assures livelihood security to the rural poor by guaranteeing a minimum of 100 days of wage employment annually to every household whose adult members volunteer to do manual unskilled work. There are 5.4 lakhs active workers registered in the MGNREGS. Of these, 5.18 lakhs (95.8%) have job cards linked with their Aadhaar number. Using these, State has disbursed amount of more than Rs.33 Cr. directly to the bank account of intended beneficiaries (1.36 transactions). Entitled MGNREGS workers who are having Aadhaar-linked bank accounts can authenticate their identity at

their doorstep/ neighbourhood and receive wages directly in their bank-accounts. This ensures 100% payments in bank account of actual worker immediately, allowing them to withdraw money with ease thereby furthering the end of financial inclusion. This saves them the trouble of going to the nearest bank, often at great distances, thereby saving loss of a day's wages. Further it prevents instances of middlemen and "ghost" intermediaries, i.e. fake beneficiaries from claiming wages that rightfully belong to genuine workers. The impugned order does not permit this usage any longer causing tremendous difficulty to such residents who at the cost of back-breaking travel and loss of wages have to go to their bank branches to receive their daily wage. Therefore, it is the right to livelihood of millions of Indians, which is facilitated by Aadhaar and ought to be allowed at par with the permitted uses.

The impact of Aadhaar is evident from the streamlining of the MGNREGA scheme database. The seeding has resulted in a large number of ghost workers being deleted from the database. This ensures that the money reaches

its intended beneficiary, i.e. the MGNREGA scheme worker.

b. Prime Minister's Jan Dhan Yojana (PMJDY)

The PMJDY is a scheme for financial inclusion of the marginalised sections of society who do not have access to formal credit. The scheme permits the opening of zero-balance bank accounts and dispenses with the requirement of onerous documentation required for account opening. It is submitted that more than 47.3 lakhs accounts have been opened under PMJDY and out of those over 31.4 lakh individuals have presented Aadhaar as identity proof to open the accounts and link their Aadhaar number to PMJDY account. Since PMJDY is directed primarily at BPL families and those who are financially excluded, the Aadhaar number is crucial for accessing benefits via bank account for several social benefits and government schemes.

- J. State of Haryana has also started its own schemes linked with Aadhaar; like:

a) Aadhaar Linked Birth Registration

Aadhaar Linked Birth Registration program was launched on 2nd May, 2015 which is first of its kind in country and is totally voluntary. This voluntary programme has resulted into a great success. The State has enrolled and linked the birth certificates of 33% of the infants born in the State of Haryana after 2nd May'15. This programme has been launched aiming that it would help in tracking and timely delivery of the different welfare and health related schemes/benefits for the children; starting from immunization to school education to scholarship benefits and so on.

b) Jeevan Pramaan (Life Certificate) for State Pensioners

At present, all pensioners, including those who might be immobile or challenged have to physically visit the bank where their pension account has been opened annually, to demonstrate that he/she is alive and therefore entitled to receive pension. This is an onerous affair as this proof cannot be given anywhere in India and requires senior citizens to travel, in most cases, to the particular

branches where their pension accounts exist in the month of November, to continue to receive pensions, irrespective of where they reside at present. There are over 23000 State pensioners who draw pension from treasury and more than 6500 have registered for Jeevan Pramaan. The Jeevan Pramaan scheme dispenses with this requirement of personal appearance at the bank/branch. Using Aadhaar Card, the pensioner can go to any bank/citizen service centre (CSC) in the State of Haryana which has the Jeevan Pramaan facility. At such centres, he/ she can use his/her Aadhaar card to authenticate that he/she is alive. This has benefited the Pensioners in a huge way and has cut down an unnecessary logistical hurdle.

c) Social Security Pension Scheme

At present, there are total no of 23,41,016 beneficiaries under the said scheme and out of it 5,26,210 beneficiaries i.e. nearly about 22% Aadhaar number has been linked in their bank accounts for crediting the pension directly in their bank accounts.

- K. Because restricting the use of Aadhaar only for the PDS Scheme, Kerosene and the LPG Distribution Scheme has deleterious effect on the aforementioned schemes and other services which use the Aadhaar platform for effective and efficient delivery of such schemes, strictly on the basis of resident's consent. The purpose of highlighting the aforementioned schemes or services is to demonstrate the widespread voluntary use of Aadhaar, the benefits that accrue to individuals, particularly to the poor and those without any other form of identity, and the hardship caused by the impugned order that prohibits such voluntary use.
- L. Because this Hon'ble Court while allowing the use of Aadhaar for PDS, Kerosene and LPG schemes was conscious of the important underlying rights therein which Aadhaar sought to facilitate, viz. the right to food which is contained in Article 21 of the Constitution. However, it is humbly submitted that apart from the PDS Kerosene and LPG schemes, the schemes and facilities, viz. MGNREGS, pension schemes, disability pensions, scholarships etc. equally allow access to rights contained

in Article 21 of the Constitution itself. The right to work, right to receive old age pension or disability pension cannot be considered in any way to be inferior to the right to food since often the former is an enabler of the latter right and are all found within the content of Article 21 of the Constitution.

- M. Because, if this Hon'ble Court could allow the State Government to implement the PDS and LPG Schemes through the Aadhaar platform, there is no reason why Aadhaar should not be allowed for these other equally important schemes on a purely voluntary basis.
- N. Because there is a legitimate state interest in ensuring that the various benefits, subsidies and services being offered by the State of Haryana (including Central as well as State Schemes) should reach the intended beneficiary and not to middlemen, fakes and duplicates, which proliferate in the system leading to loss of thousands of crores of rupees of public money. The uniqueness of Aadhaar platform helps in elimination of duplicates and fakes from any beneficiary database by the way of de-

duplication attribute leading to immense savings through reduction of leakages and wastages.

- O. Because owing to the saving of significant amount of public money, when combined with the benefits that accrue to residents by using Aadhaar number provides sufficient basis for this Hon'ble Court to clarify/ modify its interim order dated 11.08.2015 allowing the use of Aadhaar, strictly on the basis of resident consent.
- P. Because such order will be in line with the earlier orders of this Hon'ble Court, by which it has always maintained that Aadhaar and its associated services/benefits can only be used on a voluntary basis without making it mandatory or compulsory and that no one should be denied of any benefits or services for want of the Aadhaar Card. Therefore, this Hon'ble Court has always underlined the principle of consent and voluntariness respecting individual choice and autonomy while balancing the interests of the petitioners as well as those teeming lakhs of citizens and residents of State of Haryana who have voluntarily sought for the Aadhaar card/number for easy

and convenient availability of a host of social services and benefits, discussed earlier.

Q. Because there is no reason of law or convenience that warrants a departure from the above position. This is evident from the interim orders passed from time to time. This Hon'ble Court while reiterating the earlier directions passed the order dated 16.03.2015 in the following terms:-

" . . . Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013. "

[Copy of the order dated 16.03.2015 passed by this Hon'ble Court in Writ Petition (C) No.494/2012 is **Annexure-R/4**]

R. Because in the interim order dated 11.08.2015, in spite of the Petitioner's plea, this Hon'ble Court did not stop the process of enrolment of residents into Aadhaar on a

voluntary basis. The same principle ought to be extended to use of Aadhaar for social welfare schemes and services as well. This proposition simply involves giving an individual the option of using an Aadhaar-linked service in order to authenticate his/ her identity online, anytime anywhere. The identity of the individual having been duly authenticated the service provider can proceed to provide the said service. Thus, in relevant part, giving an individual such an option is analogous to permitting an individual to access and use his/ her own information as he/ she chooses.

- S. Because there is no likelihood of any injury, irreparable or otherwise, to be caused to the public if this Hon'ble Court allows the use of Aadhaar number/card on a voluntary basis for any social benefit scheme or service. The balance of convenience lies in enabling the use of Aadhaar for the residents, particularly the poor, to exercise their rights and receive their benefits, and the State to reduce public expenditure by efficient targeting of such benefits.

- T. Because the Aadhaar programme provides developmental benefits to large sections of society, specifically the financially excluded, pensioners, marginalised and deprived strata. It not only makes routine tasks such as withdrawing money from bank accounts convenient for such persons, but is often also the only identity proof available to them to access basic services. In essence, it involves millions of individuals consenting to a more convenient and secure method of accessing state subsidies and largesse which over the years has, in large measure, not reached them as intended, benefited ghost claimants and been siphoned off by a range of middlemen.
- U. Because the enrolment in Aadhaar is voluntary and individuals grants consent for the UIDAI system to share their demographic details in a secure way with another system for their own convenience and benefit. Most importantly, the same data is already widely available on the internet via election rolls.
- V. Because Aadhaar is critical plumbing for the Indian state to leapfrog developed countries in creating a modern

welfare state, end poverty, create opportunities and meet our tryst with destiny.

PRAYER

- (i) In light of the above legal and factual submissions, it is, therefore, prayed that this Hon'ble Court may be pleased to clarify or modify its order dated 11.08.2015 to allow the Aadhaar number to be used not only for the PDS Scheme and LPG Distribution Scheme but also for any social benefit welfare scheme or service of the Government of India, State Governments or like services based on "Resident Consent" to enable those who are enrolled/enrolling on a voluntary basis to avail of the services and benefits of Aadhaar, as outlined above;
- (ii) It is also prayed that the information about an individual obtained by UIDAI while issuing an Aadhaar Number should not be restricted for the purpose of criminal investigation only; but should be permitted to be used for facilitating the delivery of the various welfare Schemes of the Government of India and State Governments alike which shall be purely based on the consent of the resident.

(iii) and pass such other and further orders as this Hon'ble
Court may deem fit and proper.

Drawn by

Filed by

Advocate

Advocate for the Applicant

Filed on:-

New Delhi

IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

I.A. No. _____ of 2015

IN

WRIT PETITION (CIVIL) No. 494 of 2012

IN THE MATTER OF:

JUSTICE K.S PUTTASWAMY (RETD.). & ANR ...Petitioners

VERSUS

UNION OF INDIA & ORS. ... Respondents

AND IN THE MATTER OF:

The State of Haryana ... Applicant

AFFIDAVIT

I, Vijayendra Kumar Son of Sh. Dharam Prakash, R/o House Number 712, Sector 7 Chandigarh, working as Secretary IT, Govt. of Haryana do hereby solemnly affirm and state as under:

1. That I am the authorized representative of Applicant/State of Haryana in the present Writ Petition(C) and am well conversant with the facts of the case and thus competent to swear this affidavit.
2. That the contents of accompanying application for clarification / modification of order dated 11.08.2015 are true and correct to my knowledge and

belief and nothing material has been concealed therein.

3. That the annexures annexed herewith are true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Chandigarh on this 29th day of September, 2015, that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

ANNEXURE-A/1

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

Versus

Union of India & Others ... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

I N T E R I M O R D E R

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

".... 12 All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and

obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to 13 about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage. The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising

the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the 14 respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation. Ordered accordingly.

.....J.

(J. Chelameswar)

.....J.

(S.A. Bobde)

.....J.

(C. Nagappan)

New Delhi
August 11, 2015

Government of Haryana
General Administration Department
General Services-I Branch
Notification

The 1st March, 2012

No.62/06/2012-6GSI - The Unique Identification Authority of India (UIDAI) has been entrusted with the responsibility of issuing UID numbers (Aadhaar numbers) to all residents in India to define usage and applicability of the Aadhaar number for delivery of various services. The process of issuing UID numbers to all residents of the State has also been initiated. Therefore, the State Government has decided to use the UID numbers as a valid document for proof of identity (POI) and Proof of Address (POA) for various schemes of the State. Among other documents admissible as Proof of Identity and Proof of Address, the Aadhaar Number may also be used as POI and POA, subject to the following guidelines:

1. Introduction

- 1.1. Enrollments for Aadhaar numbers in Haryana are currently being carried out through the Smart Card based Ration Card project. In addition, central UID registrars are also carrying out enrollments and enrollments through the NPR projects are expected to be started soon. It is anticipated that a significant portion of the state residents would be enrolled in this manner within the next 12 months.
- 1.2. One of the main benefits of the issuance of Aadhaar numbers is to enable the Residents to use it as a reliable and easy-to-use *Proof of Identity and Proof of Address*. In order to achieve this objective in a

reasonable and consistent manner across the state, following guidelines are issued herewith for use by all government departments, boards, corporations and other agencies.

2. **Definitions**

In order to interpret these guidelines as intended, it is important to note the following definitions written for this context:

Sr No	Term	Definition
1	Individual Identity, Identity, ID	The condition of being oneself and not another; condition or character as to who a person is; the state or fact of being the same one as described adapted from: http://dictionary.reference.com/browse/identity
2	Identity data, ID data	A limited representation of a specific person's identity in the form of a set of attributes either stored on computer-based information systems or otherwise recorded on any media (including electronic media, such as Smart Cards). This could include biometric data, as well as personal information such as Name, Date of Birth, Place of Birth, Father's Name, Place of residence and so on.
3	Identity Verification, Authentication	The process of using a person's ID Data to adequately identify a person. E.g., 1. comparison of a person's facial characteristics with a photograph on an ID Card 2. asking to demonstrate sufficient knowledge of the ID data (such as the name, address and date of birth) when verifying over the phone

		3. scanning a person's finger print (biometric data) and comparing with the ID data available on a database or a Smart Card.
4	Biometric data	Data such as fingerprints, IRIS images, retina images, voice prints and facial photographs, often used to identify a person.
5	Address	Refers to the current residential address of a person. In the context of Aadhaar number based verification, this does NOT mean Permanent Address or a Place of Domicile or Nativity.

3. **Guidelines:**

These guidelines apply to all state government departments, boards, corporations and agencies, in the context of any citizen service delivery or citizen interaction and describe how (and under what circumstances) Aadhaar number may be used to verify any resident's identity and address.

3.1 General Principle – Proof of Identity: **Upon successful verification of identity** based on Aadhaar number, an individual is deemed to have provided adequate proof of identity (such as a PAN Card, Ration Card, Voter ID Card, Government ID card etc.). No further documentary evidence is required.

3.2 General Principle – Proof of Address: **Upon successful verification of address** based on Aadhaar number, an individual is deemed to have provided adequate proof of current residential address (such as a Ration Card, Electricity Bill, Telephone Bill etc.). No further documentary evidence is required.

- 3.3 Even in situations where current processes/ procedures require separate documents as Proof of Identity and Proof of Address, the Aadhaar number based verification will satisfy both requirements at the same time.
- 3.4 General Principle – Aadhaar number is NOT MANDATORY: A service and/or interaction may NOT be denied to any individual in the absence of an Aadhaar number as the Aadhaar number is not mandatory. The Aadhaar number as 'POI' or 'POA' is another additional source in addition to other accepted alternatives.
- 3.5 During the interaction, obtaining the Aadhaar number is only the first step in the identity and address verification processes. Computer based online verification is essential to complete the process. There may be special circumstances where alternative means of verification may also be acceptable (e.g., using of telephone call to a center with a computer-based online verification facility; or an offline verification facility). Such alternatives may be used only with the permission of a competent authority.
- 3.6 The Aadhaar number may NOT be refused for this purpose – unless suitable facilities (such as a computer-based online verification facility) are unavailable.

3.7 Automated authentication using biometrics: Using the Aadhaar number and through the use of suitable computer equipment and software, a person's biometric data may be captured and automatically verified against the UIDAI's Central ID Repository (CIDR) or the Haryana State Resident Data Base (SRDB). By virtue of this guideline, when successful, this process is considered as the most reliable form of identity verification (authentication) and should be treated as adequate for all purposes.

3.8 Automated authentication/verification using non-biometric data: Where allowed by process, along with the Aadhaar number, sufficient personal information may be keyed (e.g., verbally or written on an application form) into the computer system for automated online verification against the CIDR or the SRDB. This should be treated as sufficient verification – unless specifically disallowed by competent authority for that particular service/interaction.

3.9 Manual verification using Aadhaar number: Where allowed by process, using the Aadhaar number, a person's facial photograph and/or sufficient personal information may be retrieved from the computer and used for manual identity verification by a computer user. In this case, the responsibility of verification rests with the computer user. This method is not available with the CIDR. Where available, this may still be used as a fall back method to avoid service denial – using a process approved by a competent authority.

3.10 Special Provisions – Date of Birth: CIDR and SRDB records of a resident's Date of Birth may or may not be verified (i.e., a declaration, without proof or verification is also accepted at the time of enrollment). The computer user should treat the Date of Birth as reliable only if it is marked as **verified**.

3.11 Special Provisions - Address: A person may have changed the place of residence without notifying the UIDAI (in the CIDR) or the state government (in the SRDB). This could lead to incorrect address on the government records. However, without sufficient reason/evidence, service should not be denied due to this mere possibility/suspicion.

URVASHI GULATI
Chief Secretary to Government of Haryana

Endst. No.62/06/2012-6GSI

Dated Chandigarh, the 1st March, 2012

A copy of the above is forwarded to the following for information and necessary action:

1. All the Administrative Secretaries to Government of Haryana.
2. All Heads of Departments and Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners in the State of Haryana.
5. All the Managing Directors of Boards/Corporations/Public Undertakings.
6. All the Registrars of the Universities in the State.
7. Sh. Amitabh Avasthi, ADG, UIDAI, Regional Office, SCO 139-141, Sector 17-C Chandigarh.

Under Secretary General Administration,
for Chief Secretary to Government of Haryana

INTERNAL CIRCULATION

State Informatics Officers, NIC, Haryana for hosting these notification on the website of CS.

Social Welfare Schemes**Centrally Sponsored Schemes**

- 1 Janani Suraksha Yojana (JSY)
- 2 Post-Matric Scholarship for SC Students
- 3 Post-Matric Scholarship for OBC/ BC Students
- 4 Post-Matric Scholarship for Minority Students
- 5 National Means cum Merit Scholarship for Minority Students
- 6 National Means cum Merit Scholarship
- 7 National Scheme for incentive for the girl child for Secondary Education.
- 8 Central Sector Scheme of Scholarship for Colleges & Universities.
- 9 National Family Benefit Scheme
- 10 Insurance Scheme (NIRAMAYA)
- 11 Indira Gandhi National Old Age Pension Scheme
- 12 Indira Gandhi National Widow Pension Scheme
- 13 Indira Gandhi National Disability Pension Scheme

State Schemes

- | | | |
|----|---|--|
| 14 | Old Age Samman Allowance Scheme | Share for BPL beneficiaries
come from the Central Govt. |
| 15 | Widow Pension Scheme | |
| 16 | Disability Pension Scheme | |
| 17 | Financial Assistance to Destitute Children Scheme | |
| 18 | Ladli Social Security Allowance Scheme | |
| 19 | Financial Assistance to Kashmiri Migrants Families Scheme | |
| 20 | Allowance to dwarfs and Eunuch | |

- 21 Scholarship for Physically Handicapped
- 22 Unemployment Allowance to Physically Handicapped Persons
- 23 Reimbursement of the Cost of Aids and Appliance/Artificial Limbs
- 24 Other Grant-in-aid Schemes (Disabled Welfares)
- 25 Financial Assistance to non-school going Disabled Children.
- 26 Rajiv Gandhi Parivar Bima Yojana
- 27 Welfare of old age/Infirm Persons
- 28 Government Institute for the Blind
- 29 Scholarship under FAIR PLAY scheme for SC Category players
- 30 Indira Awas Yojna
- 31 Kanyadan Scheme
- 32 Unemployment Allowance Scheme
- 33 Incentive for Inter-caste Marriage
- 34 Animal Insurance Scheme
- 35 Self Employment Scheme
- 36 Aadhaar Linked Birth Registration
- 37 Jeevan Pramaan for State Pensioners

ANNEXURE-A/4

ITEM NO.301

COURT NO.6

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD)& ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay, impleadment, clarification/modification of Court's order, intervention, directions, impleadment, permission to file additional documents, permission to file additional additional affidavit and office report)
(For Final Disposal)

WITH

T.C.(C) No. 151/2013

(With impleadment as party respondent and modification of Court's order)

T.C.(C) No. 152/2013

W.P.(C) No. 829/2013

(With appln.(s) for impleadment and impleadment/directions and interim relief and office report)

W.P.(C) No. 833/2013

(With appln.(s) for impleadment and appln.(s) for permission to file additional documents and Office Report)

W.P.(C) No. 932/2013 (With appln.(s) for directions and interim directions and Office Report)

T.P.(C) No. 312/2014

(With Office Report)

T.P.(C) No. 313/2014

(With Office Report)

W.P.(C) No. 37/2015

(With amendment of memo of parties and interim stay and permission to file additional documents and office report)

Date : 16/03/2015 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE C. NAGAPPAN

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Mr. Gaurav Nair, Adv.
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For M/s. K.J. John & Co.

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Mr. Ankit goel, Adv.
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For Mr. Anish Kumar Gupta, Adv.

Mr. Amit Meharia, Adv.
Mr. Tannishtha Singh, Adv.
For M/s. Meharia & Company

For Respondent(s)

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 Ms. Meenakshi Grover, Adv.
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 Mr. D.S. Mahra, Adv.

Mr. Prasanna S., Adv.

Mr. Gopal Singh, Adv.
 Mr. Rituraj Biswas, Adv.
 Ms. Rashmi Srivastava, Adv.
 Ms. Shubra Rai, Adv.

Mr. Jayant Bhushan, Sr. Adv.
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 Mr. B.S. Parihar, Adv.

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Mr. Pankaj Bhatia, Adv.
 Mr. Dushyant Kumar, Adv.
 Mr. Vivek Choudhary, Adv.
 Mr. Jatinder Kumar Bhatia, Adv.

Mr. Sumit Atrey, Adv.
 Ms. Priyadarshi Banerjee, Adv.
 Mr. Ankur Saigal, Adv.
 Mr. E.C. Agrawala, Adv.

State of Telangana

Mr. S. Udaya Kumar Sagar, Adv.
 Mr. Krishna Kumar Singh, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.
 Ms. Jesal Wahi, Adv.
 Ms. Puja Singh, Adv.

State of Jharkhand

Mr. Tapesk Kumar Singh, Adv.
 Mr. Kumar Anurag Singh, Adv.
 Mr. Mohd. Waquas, Adv.

Govt. of Puducherry

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State of HP	Mr. Suryanarayana Singh, AAG Ms. Pragati Meekhra, Adv.
State of Punjab	Mr. Sanchar Anand, Adv. Mr. Apoorv Singhal, Adv.

State of Kerala	Mr. Jogy Scaria, Adv. Mr. R.S. Bed, Adv.
State of Mizoram	Mr. K.N. Madhusoodhanam, Adv. Mr. T.G.N. Nair, Adv.
NCT of Delhi	Mr. J.M. Kalia, Adv.
State of Haryana	Mr. B.K. Satija, AAG
IA 5 of 2014 in	Mr. Sumit Attri, Adv. Mr. Gopal Sankaranarayanan, Adv. Ms. Savita Singh, Adv. Mr. Prashant, Adv.
State of TN	Mr. B. Balaji, Adv. Mr. R. Rakesh Sharma, Adv. Ms. R. Shase, Adv.
State of Bihar	Mr. Abhinav Mukerji, Adv.
UT Chandigarh	Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv. Mr. Amit Sharma, Adv. Mr. Dipesh Sinha, Adv.
Beghar Foundation	Mr. Saikrishna Rajagopal, Adv. Mr. Juhen George, Adv. Mr. Arjun Ranganathan, Adv. Mr. Nikhil Nayyar, Adv. Ms. C.K. Sucharita, Adv. Mr. Mishra Saurabh, Adv. Mr. Garvesh Kabra, Adv. Mr. T.G. Narayanan Nair, Adv. Ms. Anitha Shenoy, Adv.

UPON hearing the Counsel The Court made the following

O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER